

14-1397

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

HOSPIRA, INC. and ORION CORPORATION,

Plaintiffs-Appellees,

v.

SANDOZ INC. and SANDOZ CANADA INC.,

Defendants-Appellees.

v.

CARACO PHARMACEUTICALS LABORATORIES, LTD.,

Movant-Appellant.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY IN CASE NO. 3:09-CV-04591,
JUDGE MARY L. COOPER

**MOTION OF HOSPIRA, INC. AND ORION CORPORATION FOR
EXTENSION OF TIME IN WHICH TO FILE ITS BRIEF ON APPEAL**

WILLKIE FARR & GALLAGHER, LLP
787 Seventh Avenue
New York, New York 10019
(212) 728-8000

Attorneys for Plaintiffs-Appellees,
Hospira, Inc. and Orion Corporation

July 10, 2014

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Pursuant to Federal Rule of Appellate Procedure Rule 26(b) and Rule 26(b) of this Court, Plaintiffs-Appellees Hospira, Inc. and Orion Corporation (“Hospira”) respectfully move for a 30-day extension of time, up to and including August 18, 2014, to file its brief in the above captioned appeal. Hospira’s brief is currently due on July 17, 2014.

Hospira has neither requested nor received any previous extensions of time.

Counsel for Defendants-Appellees Sandoz Inc. and Sandoz Canada Inc. (“Sandoz”) as well as counsel for Movant-Appellant Caraco Pharmaceuticals Laboratories, Ltd. (“Caraco”) were contacted by counsel for Hospira about this extension. Sandoz does not oppose this requested extension. Counsel for Caraco have indicated that they are awaiting a response from their client and cannot yet confirm whether Caraco consents to this motion. Hospira will update this Court when it receives a response from Caraco.

There is good cause for the extension. First, Hospira’s counsel have a number of ongoing obligations that make the extension necessary. Among other professional obligations, Hospira’s counsel have memoranda and briefs due in other ongoing matters, with a brief due the same day as its brief in this appeal. Moreover, the extension is needed to permit Hospira’s counsel to confer with its clients.

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For the above reasons, Hospira respectfully requests a 30-day extension of time, up to and including August 18, 2014, to file its brief in this appeal.

Dated: July 10, 2014

Respectfully submitted,

/s/ Thomas J. Meloro

THOMAS J. MELORO

Counsel of Record

EUGENE L. CHANG

HEATHER M. SCHNEIDER

APARNAA B. SAINI

WILLKIE FARR & GALLAGHER LLP

787 Seventh Avenue

New York, New York 10019-6099

Telephone: 212.728.8000

Counsel for Plaintiffs-Appellees

Hospira, Inc. and Orion Corporation

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APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY IN CASE NO. 3:09-CV-04591,
JUDGE MARY L. COOPER

**DECLARATION OF HEATHER M. SCHNEIDER IN SUPPORT OF
MOTION OF HOSPIRA, INC. AND ORION CORPORATION FOR
EXTENSION OF TIME IN WHICH TO FILE ITS BRIEF ON APPEAL**

WILLKIE FARR & GALLAGHER, LLP
787 Seventh Avenue
New York, New York 10019
(212) 728-8000

Attorneys for Plaintiffs-Appellees,
Hospira, Inc. and Orion Corporation

July 10, 2014

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I, Heather M. Schneider, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney duly licensed to practice law in the State of New York, and I am admitted to practice before this Court. I am an associate with the law firm of Willkie Farr & Gallagher LLP, counsel for Plaintiffs-Appellees Hospira, Inc. and Orion Corporation in this action (“Hospira”). I make this declaration in support of Hospira’s motion for an extension of time in which to file its brief in the above captioned appeal.

2. Hospira requests a 30-day extension of time, up to and including August 18, 2014, to file its brief in this appeal. Hospira has neither requested nor received any previous extensions of time.

3. First, Hospira’s counsel have a number of ongoing obligations that make the extension necessary. Among other professional obligations, Hospira’s counsel have memoranda and briefs due in other ongoing matters, with a brief due the same day as its brief in this appeal. Moreover, the extension is needed to permit Hospira’s counsel to confer with its clients.

4. Pursuant to Federal Circuit Rule 26(b)(2), counsel for Hospira conferred via email with counsel for Defendants-Appellees Sandoz Inc. and Sandoz Canada Inc. (“Sandoz”) and counsel for Movant-Appellant Caraco Pharmaceuticals Laboratories, Ltd. (“Caraco”). Sandoz does not oppose this

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requested extension. Counsel for Caraco have indicated that they are awaiting a response from their client and cannot yet confirm whether Caraco consents to this motion. Hospira will update this Court when it receives a response from Caraco.

Executed on this 10th day of July, 2014, in New York, New York.

/s/ Heather M. Schneider

Heather M. Schneider

CERTIFICATE OF INTEREST

Counsel for the Plaintiffs-Appellees certify the following information in compliance with Federal Circuit Rule 47.4:

1. The full name of every party or amicus represented by me is:

Hospira, Inc.
Orion Corporation

2. The name of the real parties in interest (if the parties named in the caption are not the real parties in interest) represented by me is:

None; the parties named in the caption are the real parties in interest.

3. All parent corporations and publicly held companies that own 10 percent or more of the stock of the parties represented by me are:

T. Rowe Price Associates, Inc. owns 10 percent or more of the stock of Hospira, Inc. T. Rowe Price Group, Inc. is a publicly held company. Orion Corporation does not have any parent corporation or publicly held company that holds more than 10 percent of its stock.

4. The names of all law firms and the partners or associates that appeared for the parties now represented by me in the trial court or are expected to appear in this court are:

WILLKIE FARR & GALLAGHER LLP
Thomas J. Meloro
Eugene L. Chang
Heather M. Schneider
Aparnaa B. Saini
Colman B. Ragan (no longer with the firm)

Kyra K. Tichacek (no longer with the firm)
Laurie N. Stempler (no longer with the firm)

CONNELL FOLEY LLP

Liza M. Walsh

Agnes Antonian

Patrick J. Murphy III (no longer with the firm)

Date: July 10, 2014

/s/ Thomas J. Meloro
Thomas J. Meloro

PROOF OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Federal Circuit by using the appellate CM/ECF system on July 10, 2014.

I further certify that counsel of record are registered CM/ECF users and will be served by the appellate CM/ECF system.

Date: July 10, 2014

/s/ Thomas J. Meloro

Thomas J. Meloro